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May 24, 1959

MEMORANDUM FOR THE SECRETARY

FROM : Mr. Merchant
SUBJECT: Next Steps in Conference

396.1 5-158
MERCHANT FORECAST

In contemplating where we go from here we take the following as assumptions.

- (1) The Soviets will pay a price of some sort for the Summit meeting (because Khrushchev wants it and because he believes the United States is serious when it says some justifying progress will have to be made in the Foreign Ministers meeting).
- (2) No agreement with the Soviets is possible on either the Soviet draft treaty or the reunification of Germany for the foreseeable future.
- (3) Any divorce of security provisions from the reunification process in Western Plan is unacceptable.
- (4) Progress in the nuclear test negotiations would not in itself be acceptable to the West as a Soviet ticket of admission to the Summit.

Accepting these four assumptions it seems to us that the area of possible progress in this conference is confined to the following:

- (1) Berlin
- (2) Global disarmament
- (3) Agreement on time, place and agenda for a Summit meeting.

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Our first cut at framing a position (which if approved by you would then require the agreement of our three allies) is the following:

(1) With respect to Berlin, what we desire is (a) an acknowledgment by the Soviet Union that we are rightfully in occupation in Berlin and are entitled to unrestricted access thereto (including German civilian access), plus (b) some form of assurance by the Soviet Union that it will not attempt to do something (such as entering into a separate peace treaty with the GDR) in an effort to change the status quo respecting Berlin. We have considered some form of declaration or statement by the USSR that in any future treaty or arrangement between the GDR and the USSR, to which the Western Powers are not parties, explicit provision will be made (e.g. through designation of GDR personnel as agents, or otherwise) for continued exercise of the above-mentioned rights of the Western Powers, plus free and unrestricted access of German civilians to Berlin. We are not in favor of this suggestion, upon further consideration, upon the ground that it would be tantamount to an invitation to the USSR to enter into a separate peace treaty or arrangement with the GDR. We have drafted various forms of an agreement or declaration by the USSR giving guarantees by the USSR as stated above, but all of them are subject to the compelling objection that they amount to a total capitulation by the USSR as respects Berlin, without any compensating advantages to the USSR save a Summit meeting. This, in our view, constitutes an unrealistic evaluation of what the Soviet Union is prepared to pay for a Summit meeting, even assuming that it wants one. In our view, therefore, the best practicable approach to this problem would be an indirect one, namely, to formulate an agenda item for the Summit which will, in and of itself, constitute a guarantee containing the two elements of our desideratum. Accordingly, it is suggested that at an appropriate time (to be determined by agreement among the three Western Powers), we suggest a Summit agenda item along the following lines:

"Greater Berlin, access thereto, and the special responsibilities of the Four Powers with respect to Greater Berlin, and the methods through which they shall be carried out."

The foregoing should be coupled with a joint communique-- along the lines of an implicit standstill agreement--as follows:

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"The Foreign Ministers reviewed the problems of Berlin. They agreed that this subject was one which could be referred to a meeting of the Heads of Government, and that pending such a meeting, none of the Four Powers would take any action designed to alter existing rights of occupation in Berlin and procedures for access thereto as they existed in April, 1959."

The above suggestion would afford protection to our rights and their exercise until the Summit meeting, but not thereafter, although it contains no admission that action thereafter would be legal or effective. If we desire to obviate this difficulty, we might phrase the communique in terms of a set period of time (e.g. two or five years) or (unrealistically) until the reunification of Germany or agreement among the Four Powers.

In connection with any "standstill" proposal such as the foregoing, we should foresee and have an answer to a Soviet inquiry whether it is our intention that the "standstill" be across the board. They will probably raise in this connection the installation of atomic weapons in Germany and the build-up of German armed forces.

(2) Reach agreement with the Soviets to recommend to the Heads of Government the resumption of discussions on global disarmament, including surprise attack, in a forum or forums to be determined by the Heads of Government.

(3) Reach agreement with the Soviets on the time and place of a meeting of the four Heads of Government (no German advisers, no other participants). This might be, for example, August 10 at Geneva. The agreed agenda should be as follows:

(a) Global disarmament.

(b) Greater Berlin, access thereto, and the special responsibilities of the Four Powers with respect to Greater Berlin, and the methods through which they shall be carried out.

(c) Nuclear testing.

(d)

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(d) Consideration of a catalog of agreed and disagreed essential points relating to the reunification of Germany, measures of European security and the negotiation of a peace treaty with Germany. (In the consideration of this item at the Summit it might be proposed that there be established a Four Power body with German advisers attached for the continuing examination of these points of difference with a view to narrowing them.)

(e) Other business.

The United States should also seek to add to the agenda an item on the plight of captive peoples in Eastern Europe and an item providing for the discussion of the activities of international communism (it can be expected that the Soviets will reject these). It is also to be expected that the French will propose some grandiose scheme for multilateral contribution to a fund in aid of the under developed areas of the world (the United States should reject such an item).

Finally there should be explicit agreement that any Head of Government would have the right to raise at the Summit meeting any subject he desired to have discussed under the agenda heading of "other business".

Copies to: Ambassador Thompson
Mr. Reinhardt
Mr. Smith
Mr. Irwin
Ambassador Bruce
Mr. Wilcox
Mr. Hillenbrand
Mr. Freers
Mr. Becker
Mr. Kearney
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